

D.B. CIVIL WRIT PETITION NO.2886/1999
(Raju Ram vs. The State of Rajasthan & Ors.)

DATE OF ORDER:28.05.2007

HON'BLE MR.JUSTICE RAJESH BALIA
HON'BLE MR.JUSTICE BHANWAROO KHAN

Mr.Rajesh Joshi, for the petitioner
Mr.N.M.Lodha, Additional Advocate General

BY THE COURT(PER HON'BLE MR.BALIA J.)

This petition is directed against the termination of services of the petitioner vide order dated 17.6.1999 after he was appointed in Teacher Grade-III in Physical Education in pursuance of Advertisement published in Rojgar Sandesh dated 1.9.1998 after due selection. The termination order of the petitioner was founded on the ground that Degree in Physical Education obtained by him from Nagpur University in the year 1997-98 could not be considered as valid for the purpose of seeking employment in view of the provisions of National Council for Teachers Education, set up under the National Council for Teacher Education Act, 1993.

In the first instance a Division Bench of this Court has held that the provisions of Section 17(4) of the Act of 1993

to be ultra vires and allowed the writ petition vide order dated 9th August, 2000.

The said judgment in the writ petition has since been set aside on an appeal by the Supreme Court in *Shah Govardhan Lal Kabra Teachers College vs. Union of India & Ors.* and the group of cases in those appeals were remitted back to this Court for deciding the other issues that may have been raised.

The facts of the present case are similar to the facts in D.B.Civil Writ Petition No.2887/1999 in which it was noticed that the Degrees obtained from Nagpur University until 1998-99 had been provisionally recognised. after examining the scheme of the Act contained in Sections 14 to 17. Therefore, the Degrees obtained upto Academic Session 1998-99 issued by the Nagpur University were held to be recognised and valid for offering employment. Considering the aforesaid aspect of the matter the writ petition was allowed with the following directions:-

“The impugned order terminating services of the petitioner w.e.f. 15.5.1999 is quashed and it is declared that the petitioner continued in service in pursuance of his regular selection made in pursuance of the advertisement issued by the District Education Officer, Churu in 1998. The petitioner shall be reinstated within a period of 15 days. The petitioner shall also be entitled to all consequential benefits, which shall be given to him within a period of three months from the date of service of writ or submissions of certified copy of the order whichever

is earlier. No costs”

Since the present petition has arisen in the same circumstances and similar writ petitions have been allowed, the same result also follows.

Accordingly, the writ petition is decided in terms of the aforesaid directions.

(BHANWAROO KHAN) J.

(RAJESH BALIA) J.

BKS/-